

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

16-cr-0212-08 (LAK)

RODRIGO GONZALEZ,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendant was convicted on his plea of guilty to one count of racketeering conspiracy and sentenced on May 30, 2017 principally to a term of imprisonment of 87 months.

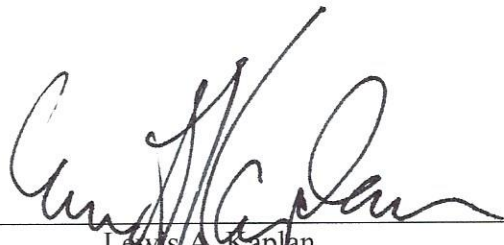
The Court now is in receipt of a letter from the defendant in which he asks that the Court grant a departure that was discussed at sentencing. At sentencing, the Court concluded that the terms of the plea agreement foreclosed consideration of any departure, but added that the Court “certainly read what you’ve said [about a departure], and to the extent I think it is appropriate, I will consider what you’ve said under the 3553 heading without getting into a departure.” Tr., May 30, 2018 [Dkt. 1109] at 3:21-23. Thus, to whatever extent, if any, that the Court thought that a lesser sentence than otherwise would have been imposed was appropriate, it took that into account in imposed the actual sentence. In other words, defendant already has received any appropriate benefit that the Court thought appropriate.

Quite apart from that, 18 U.S.C. § 3582(c) does not permit any modification of the defendant’s sentence in the present circumstances.

Application denied.

SO ORDERED.

Dated: May 23, 2020



Lewis A. Kaplan
United States District Judge